

## WRRTC – REVISED DRAFT MINUTES

### Wisconsin River Rail Transit Commission Executive Committee Mtg. – Friday, 9 December 2005 at 10:00 a.m. Dane County Highway Garage, 2302 Fish Hatchery Road, Madison, WI

1. The Chair, Steve Foye, called the meeting to order at 10:09 a.m.
2. Roll Call (Commissioners present for all or part of the meeting):

Crawford	2nd VC	Tom	Cornford	<input type="checkbox"/>	Rock (cont)	Sec.	Marshall	Bown	<input type="checkbox"/>
		Ted	Sheckler	<input type="checkbox"/>			William	Agnew	<input type="checkbox"/>
		Ron	Leys	<input type="checkbox"/>			Phil	Blazkowski	<input type="checkbox"/>
Dane	Treas.	Forrest	Van Schwartz	<input type="checkbox"/>	Sauk	2nd Treas.	Larry	Volz	<input type="checkbox"/>
		Gene	Gray	<input checked="" type="checkbox"/>			Robert	Sinklair	<input type="checkbox"/>
							Joel	Gaalswijk	<input checked="" type="checkbox"/>
Grant	2nd Sec.	Lois	Brown	<input type="checkbox"/>	Walworth	Advocate	Marty	Krueger	<input type="checkbox"/>
		Velma	Weadge	<input checked="" type="checkbox"/>			Tim	Buchheit	<input type="checkbox"/>
		Marion	Martin	<input type="checkbox"/>			Richard	Kuhnke	<input checked="" type="checkbox"/>
Iowa	Chair	Steve	Foye	<input checked="" type="checkbox"/>	Waukesha	1st VC	Karl	Nilson	<input checked="" type="checkbox"/>
		Phil	Roberts	<input type="checkbox"/>			Richard	Manke	<input type="checkbox"/>
		Charles	Anderson	<input type="checkbox"/>			Robert	Thelen	<input type="checkbox"/>
Rock		Henry	Schoeberle	<input type="checkbox"/>					

Note: The position of Advocate is vacant on the Executive Committee.

**Others present for all or part of the meeting:** Joni Graves (SWWRPC Transportation Planner / WRRTC staff); Jim Matzinger (Dane County CPA / WRRTC staff); Frank Huntington and Roger Larson (WisDOT); Ken Lucht (WSOR); Ed Qualman (East Wisconsin Counties Rail Consortium / 66-Committee); Tom Clouder (Office of the Commissioner of Railroads / Mayor of Fitchburg).

3. Motion accepting Graves' certification of public notice / Nilson / Gray / Motion passed unanimously.
4. Motion approving the amended Agenda / Kuhnke / Nilson / Motion passed unanimously.
5. Motion approving the Minutes from the November 2005 meeting of the full Commission / Kuhnke / Nilson / Motion passed unanimously.

## REPORTS

6. **WSOR Monthly Operator's Report** – Ken Lucht's report included an update on monthly maintenance activities, progress of capital project planning, and continuing issues / topics. Specifically, he said that WSOR has been repairing several bridges that their engineers had identified as highest priority for maintenance-away; continuous welded rail has been delivered to Orfordville and to the Hartford-to-Slinger segment; WSOR will also be replacing ties on the Fox Lake subdivision (the segment included on the recent tour); traffic in December has been picking up, due to coal and grain shipping and the market is optimum right now (in fact, there's a shortage of grain cars); the Milton Ethanol Plant is moving forward (United Co-Op); Milk Specialties in Boscobel has been pleased with their rail service trials and plan to continue; WSOR hopes to work with a new shipper in the Picket area, which would increase hauls via Prairie du Chien; the Assembly Bill that would require yield signs (where stop signs are not already in place) at passive crossings is proceeding and approval is anticipated; in the holiday spirit, WSOR has its G-gauge locomotive under the holiday tree at the Capitol (with few derailments and a good record of service); WSOR's calendars have gone out and they have been well received.

Before continuing, Foye brought up the recent death of Richard Lenz. Graves said she had some pictures from the recent rail tour that Mr. Lenz had gone on and that she planned to send those to his widow with a letter. Nilson, who had also been on the tour, asked that the letter convey that we all miss him.

Ed Qualman, Dodge County, from EWCRC was present and was introduced and welcomed.

7. **WisDOT Updates** – Frank Huntington and Roger Larson, WisDOT. Huntington provided an update on WisDOT studies, funding, encroachment issues, and other continuing issues and topics. He said there has been a meeting of the bridge study group and work is underway with a report expected in March, since winter will

not slow the inspections down. The pavement study will look at savings related to shifting traffic to rail and is being done through the MRUTC (Midwest Regional University Transportation Center, located on the UW-Madison campus) and they are working with a consultant; currently they are meeting with representatives from the railroads and have met with WSOR; once the interviews are further along, there will be a meeting of the advisory group. There was no update on encroachments.

Larson asked for more information on the Assembly Bill that Lucht had referred to and Lucht explained that it relates to highway signage: the state would provide the signs (and be reimbursed by the railroads) and the railroads would install the signs.

8. **Administrative Staff Report** – Joni Graves. Topics included Commission vacancies with the resignation of Commissioner Shroble (Walworth) and the death of Commissioner Lenz (Dane). WRRTC has two vacancies on WSOR's Railroad Coordinating Committee (RRCC), since Nilson asked to be replaced due to other time commitments and Shroble had been an alternate; Graves will include a call-for-volunteers in the packet for the next Commission meeting. The permit with the Association of Wisconsin Snowmobile Clubs / Grant County has been finalized and Huntington provided copies for signatures, based on the Commission's prior action. A handout with some recent web statistics for [www.wrrtc.org](http://www.wrrtc.org) was distributed. Graves plans to incorporate the input that has been received for the draft *Commissioner Responsibilities / "Job Description"* and anticipates having this for the February meeting of the full Commission.
9. **WRRTC Financials & Contracts** – *Text incorporates correction.* Jim Matzinger presented the Treasurer's Report for November 2005, which included an update on the status of each county's funds, the restricted Evansville line funds, and WisDOT's balance (which will likely be applied to a different project). In other items, he said the Hartford-to-Slinger balance is always zero, because funds are transferred from the balance available, as needed, and that WSOR's payment of rent is revenue and, at this point, has not been paid in full; other income was also noted.

**Motion to approve the Treasurer's Report, as presented / Nilson / Kuhnke / Motion passed unanimously.**

Some discussion, related to the Evansville line's history and current status of planned rail resumption, followed.

Matzinger provided a summary of invoices received by WRRTC and noted that the 2004 audit is not complete yet because of additional time necessary to meet a new federal requirement that a value be placed on improvements.

**Motion to approve payment of the invoices, as presented / Nilson / Gray / Motion passed unanimously.**

Matzinger provided an update and several handouts related to the status of 2005 project funds and budget requests for 2006 rehab projects; the 12-06-2005 summary titled "2005 Rail Project Costs & Payments" indicated that WRRTC will have paid ~\$118K and EWCRC will have paid ~\$106K towards the Milwaukee-to-Goodland-Road (Hartford) project in 2005. In 2006, WRRTC members have budgeted to contribute \$25K/member towards project costs, while most of the EWCRC counties have requested \$15K, which will create a shortfall. Lucht said that each EWCRC member county is contributing funds, but are contributing at varying funding levels; he said WSOR will continue to work with these counties. Graves asked how the gap in financing would be covered. Matzinger said the match over 2005 and 2006 would have to be split and hoped payments could be handled more quickly, since Commission funds would be limited in 2006 and it would be important that WSOR not get ahead of the Commissions because there will be less money than planned.

## OTHER COMMISSION BUSINESS

10. **SWWRPC and Dane County staff services contracts for 2006** – Graves explained SWWRPC's out-of-pocket expenses for un-reimbursed mileage and postage costs and presented a DRAFT services proposal, which would reimburse SWWRPC for these costs in 2006. Foye said he supported the SWWRPC proposal to provide staff services for \$17K (the same figure as 2005) and that it would be right to add reimbursement for mileage and postage and Nilson said mileage should be tied to the federal rate. Matzinger provided a copy of Dane County's proposal to continue to provide accounting services for up to \$9K.

**Motion to approving continued staff services contracts in 2006 with SWWRPC (for up to \$17K plus reimbursement of direct expenses including mileage and postage) and with Dane County (for up to \$9K plus reimbursement of mileage and other direct expenses) / Nilson / Kuhnke / Motion passed unanimously.**

**11. Mileage / expense policy** – [Van Schwartz had requested that this issue be on the November Agenda and, after some discussion, it had been forwarded to the December meeting]. Foye summarized the issue, explaining that the Commission had earlier adopted a policy to reimburse its Commissioners for attending 66-Committee meetings but that this may not be necessary since the County’s reimburse their appointees to the WRRTC for their mileage.

Graves provided a handout summarizing the existing mileage policy for 66-Committee members, and at its November 2005 meeting the full Commission had taken this action: “*Motion that a per diem of \$50.00/meeting and a mileage reimbursement of .36 cents/mile (or the current IRS-established rate) be paid by the WRRTC to its representatives / Stoltz / Sinklair / Motion passed unanimously.*” She also provided a summary of an informal survey that she had done asking each County for its policy on reimbursing its WRRTC appointees for WRRTC-related meetings.

Graves said the Chair had recommended getting input from Iowa County’s Finance Director and Roxie Hamilton’s email response had provided some clarification: “Reimbursing contracted staff and citizen appointed members mileage does not in any way constitute an employee/employer relationship. Iowa County has some committees with citizen members who are reimbursed mileage only. We also have some who are reimbursed meeting per diem and mileage. For those who receive per diem, they are paid through payroll and receive a W-2 but the mileage is not considered taxable.”

Huntington said historically each County has reimbursed its members for their related travel. Nilson and Kuhnke said citizen appointees get mileage and per diem but county supervisors get only mileage. Some Commissioners spoke in favor of having all member counties share in the cost of the mileage and / or per diem for Commissioners participation in meetings of WRRTC’s sub-committees. Other comments noted that the counties that had responded to the survey indicated they reimburse their appointees for Commission and subcommittee meetings.

Graves and Matzinger noted that the current policy applies only to the WRRTC’s appointees to the 66-Committee for that subcommittee’s meetings, but had realized later that a Commissioner’s voucher approved at the November meeting was for travel that would not fall under the current policy.

In further discussion, it was suggested that the Commission should pay the reimbursement, if the participant's attendance is at the request of the Commission. The Chair asked that this be held over and suggested that members may want to get more information from their respective Counties. And it was clarified that the WRRTC will be providing W2s for per diem paid this year.

Lucht said whatever meetings Commissioners attend, they are always there in the capacity of representing their County – and not necessarily representing the Commission.

## PROPERTY ISSUES

**Watertown Line** – Frank Huntington, WisDOT. [At its September 2005 meeting, WRRTC had approved Amendment 8 to the WRRTC / WisDOT Grant Agreement, adding the Madison-to-Watertown Railroad line, preparatory to WisDOT’s submitting an application to the Surface Transportation Board (STB).] Huntington provided some background and explained that the STB had reviewed WisDOT’s application and had responded in December “Direct[ing] the Wisconsin Department of Transportation to submit additional information or a revised operating agreement by December 22, 2005.”

He said that in 2002, WSOR had an option to buy the line from the CP, and WisDOT had provided some funds and received an option to acquire it from WSOR. In WisDOT's application to the STB, they wanted it to be very clear that WisDOT would NOT become a railroad operator and, in their response, the STB wanted some additional clarification on this. He said WisDOT proposes further amending the WRRTC / WisDOT Grant and Operating Agreements for the Madison-to-Watertown Railroad line only, and recommended that, given the timeline required by the STB, the Commission authorize its Chair, staff, and attorney to work with WisDOT on the amendments required to meet the STB's concerns. Gaalswijk asked for clarification on why this Agreement would be different. Huntington explained that other lines were acquired as part of efforts to save them from abandonment and, since this line is not in the process of abandonment, the circumstances are different and may be why the STB is raising other issues. After further discussion about the process, Huntington explained that WisDOT's attorney would be working with the Commission's attorney and WSOR’s attorney to prepare other language for the STB in order to resubmit by December 22nd.

*Incorporates clarification of the Motion, provided by F. Huntington, WisDOT, 9 Jan 2006: **Motion giving the Commission's Chair and attorney authority to work with WisDOT and WSOR to develop Amendments to***

**the WRRTC / WisDOT Grant Agreement and the WRRTC / WSOR Operating Agreement to address concerns raised by the Surface Transportation Board that the current language in the Agreements may interfere with WSOR's ability to fulfill its common carrier obligations with regard to providing freight railroad transportation service on the Madison-to-Watertown rail line. Further, in order to meet the 22 December 2005 deadline for submitting additional material to the STB regarding this issue, Commission officers are authorized to execute said Amendments on behalf of the Commission once the language in the Amendments is agreed upon / Gaalswijk / Nilson asked if Gaalswijk would accept a friendly amendment that the Motion also include the Commission's staff and, after some clarification, it was noted that Graves would also be involved in the review / Nilson / Motion passed unanimously.**

- 12. Appropriations Funding** – Graves and Lucht. Graves provided an update on the appropriations proposal that the Commission had submitted in 2005 to Senator Kohl and Congressman Kind, seeking funds to improve the Prairie du Chien line. She said although it had advanced as far as mark-up in the federal Joint Finance Committee, it had not been funded, but it was impressive to have advanced this far. She said staff in the Senator's office has recommended that the Commission make some modifications and submit another proposal. She asked for the Commission's direction and for input from WSOR and WisDOT. Lucht said WSOR was happy to see the proposal go so far and to learn there was interest in another proposal, concluding that WSOR would be glad to work on it. Huntington said the initial concern would be the source for the state match and last year the state had some concerns about the prioritization and he suggested that a letter go to Ron Adams or to Secretary Busalacchi asking for support. After some discussion about the Prairie du Chien line, discussion turned to other issues related to a possible proposal. Huntington said it was favorably received last year and had made it quite a ways and that's a good reason to not change strategies, noting it may not compete as well in state funding on its own, but an infusion of federal money and improvements could really jump-start the line concluding "everyone knows my history with it..."

**Motion directing staff to continue working with WSOR, WisDOT, and others to pursue possible federal appropriations funding for improving the Prairie du Chien line / Nilson / Kuhnke / Motion passed unanimously.**

- 13. Property Issues – Removal / Relocation of Rail Spur in Mazomanie** – Foye said he and Mazomanie's Village President had talked but not met yet to discuss the Commission's recommendations (from the November meeting of the full Commission) , related to drafting the initial agreement for review, the timeline, and other issues. He will continue to pursue this and plans to have a sub-committee meeting in January in order to bring recommendation(s) to the full Commission in February. Gray said he had nothing to add.
- 14. Property Issues – Spring Grove, IL** – Graves provided a brief update on contacts from two parties that had expressed some interest in the site, although there was nothing further to report, and correspondence from the Village of Spring Grove indicating they had secured the building.
- 15. Foye wished everyone a Merry Christmas and a prosperous New Year. The meeting adjourned by consensus at 11:50.**